

JOURNAL OF THE SENATE [October 26, 1981]

STATE OF WISCONSIN

Senate Journal

Eighty-Fifth Regular Session

MONDAY, October 26, 1981.

2:00 P.M.

The senate met.

The senate was called to order by the president of the senate.

The roll was called and the following senators answered to their names:

Senators Adelman, Bablitch, Berger, Bidwell, Braun, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 32.

Absent -- Senator Maurer -- 1.

Absent with leave -- None.

The senate stood for the prayer which was offered by Pastor Harvey W. Schweppe of Monona United Methodist Church, Madison.

The senate remained standing and Senator Harnisch led the senate in the pledge of allegiance to the flag of the United States of America.

INTRODUCTION OF BILLS

Read first time and referred:

Senate Bill 639

Relating to repealing municipal and county tax levy limits.

By Senators Hanaway, Goyke, Engeleiter and McCallum; cosponsored by Representatives Gerlach, Andrea, ~~Nelsen~~ Crawford, Alberts, Ladwig, Harer, Barczak and Donoghue.

To committee on State and Local Affairs and Taxation.

Senate Bill 640

Relating to partial state reimbursement to municipalities and counties for emergency medical care for persons receiving general relief and making an appropriation.

By Senators Hanaway, Braun and Chilsen; cosponsored by Representatives Robinson, Andrea, Nelsen, Rooney, Flintrop, Matty, Lee, Laatsch and Donoghue.

To committee on State and Local Affairs and Taxation.

LEAVE OF ABSENCE

By request of Senator Bablitch, with unanimous consent, Senator Maurer was granted a leave of absence for today's session.

COMMITTEE REPORTS

The committee on Senate Organization reports and recommends:

Senate Resolution 12

Relating to further consideration of matters pending in the senate.

Adoption:

Ayes, 5 -- Senators Risser, Bablitch, Flynn, Chilsen and Hanaway;

Noes, 0 -- None.

FRED A. RISSER

Chair

The committee on Agriculture and Natural Resources reports and recommends:

Assembly Bill 555

Relating to the long-term disposal of high-level radioactive waste and transuranic waste, creating a radioactive waste review board, creating a radioactive waste policy council, creating a radioactive waste technical council and making appropriations.

Concurrence:

Ayes, 4 -- Senators Harnisch, Strohl, Thompson and Krueger;

Noes, 1 -- Senator Opitz.

THOMAS W. HARNISCH

Chair

PETITIONS AND COMMUNICATIONS

State of Wisconsin
Department of State

October 20, 1981

To the Honorable, the Senate:

I have the honor to transmit to you the following information pursuant to s. 13.695(8):

Yours very truly,
VEL PHILLIPS
Secretary of State

Lobbyist's name, address, telephone number; principal's name, address, telephone number.

Bauman, Bradley L., 316 W. Washington Ave., Madison, WI 53703 (608) 252-2343; Wisconsin Telephone Co., 722 N. Broadway, Milwaukee, WI 53202 (414) 678-2811; 1-26; 101-186.

Julka, Michael J., 122 W. Washington Ave., Madison, WI 53703 (608) 257-7766; Wisconsin Assn. of School Boards, Inc., Box 160, Winneconne, WI 54986; 1-26; 101-186.

Liccione, Mark R., 1845 N. Farwell Ave., Ste. 205, Milwaukee, WI 53202 (414) 224-0355; Income Property Owners Assn., 1845 N. Farwell Ave., Ste. 205, Milwaukee, WI 53202 (414) 224-0355; 26; 109, 136.

Poser, Al, P.O. Box 1957, La Crosse, WI 54601 (608) 785-1330; Gateway Foods, Inc., P.O. Box 1957, La Crosse, WI 54601 (608) 785-1330; 10; 109.

Wimmer, James W., Jr., P.O. Box 1482, Madison, WI 53701 (608) 256-5223; Wisconsin Gift Cheese Assn., P.O. Box 1, Madison, WI 53701 (608) 837-5166; 1, 3, 10, 11, 15, 18, 20, 21, 22.

SENATE CLEARINGHOUSE ORDERS

Clearinghouse Rule 81-101

AN ORDER to renumber Ind 51.01 (71a); to amend Ind 51.27 (7a); and to create Ind 51.01 (68a), (71a), (75a) and (86a), 51.25 (55) and ch. 58, relating to health care facilities.

Submitted by Department of Industry, Labor and Human Relations.

Report received from agency, October 23, 1981.

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Referred to committee on Human Services, October 26, 1981.

Clearinghouse Rule 81-149

AN ORDER to amend PSC 136.05 (3) (c), relating to the use of natural gas to heat residential swimming pools, if the pool is provided with a passive solar blanket which covers the entire pool surface.

Submitted by Public Service Commission.

Report received from agency, October 22, 1981.

Referred to committee on Energy, October 26, 1981.

MESSAGE FROM THE ASSEMBLY

By David R. Kedrowski, chief clerk.

Mr. President:

I am directed to inform you that the assembly has concurred in:

Senate Bill 78

Amended and concurred in as amended:

Senate Bill 213, assembly amendment 1

Senate Bill 257, assembly amendment 1

CALENDAR OF OCTOBER 26

Senate Bill 127

Relating to changes in laws regulating securities and security transactions and granting rule-making authority.

Read.

The question was: Concurrence of assembly substitute amendment 1?

Senator George asked unanimous consent that the bill be referred to committee on Aging, Business and Financial Institutions and Transportation.

Senator Hanaway objected.

Senator George asked unanimous consent that the bill be laid on the table.

Senator Chilsen objected.

The question was: Concurrence of assembly substitute amendment 1?

By request of Senator George, with unanimous consent, **Senate Bill 127** was laid on the table.

Senate Bill 185

Relating to arrest powers for conservation wardens.

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

The question was: Concurrence of assembly amendment 6?

Concurred in.

The question was: Concurrence of assembly amendment 7?

Concurred in.

Senate Bill 368

An act to authorize release of \$5,000 from the conservation fund for payment of a claim against the state made by Donald Wirth.

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

Senate Bill 411

Relating to extending the existence of the fertilizer research council.

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

Senate Bill 567

Relating to various changes in the unemployment compensation law and making an appropriation.

Read.

The question was: Concurrence of assembly amendment 1?

Concurred in.

Assembly Bill 126

Relating to assembly representation on the Wisconsin housing finance authority.

Read.

The question was: Concurrence of assembly amendment 1 to senate amendment 1?

Senator Kleczka moved non-concurrence of assembly amendment 1 to senate amendment 1.

The question was: Non-concurrence of assembly amendment 1 to senate amendment 1?

The motion prevailed.

Senate Bill 147

Relating to expanding the prohibition against discrimination because of age.

Read a second time.

The question was: Adoption of senate amendment 1?

By request of Senator Kleczka, with unanimous consent **Senate Bill 147** was referred to joint committee on Finance.

Senate Bill 392

Relating to various changes in the statutes regulating school district reorganization.

Read a second time.

By request of Senator Kleczka, with unanimous consent, **Senate Bill 392** was referred to joint committee on Finance.

Senate Bill 485

Relating to a limitation on the liability of emergency medical technicians and the requirement of liability insurance for municipalities.

Read a second time.

The question was: Adoption of senate substitute amendment 1?
Adopted.

Ordered to a third reading.

By request of Senator Berger, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 485

Read a third time.

By request of Senator Hanaway, with unanimous consent, the bill was referred to a second reading.

Senate amendment 1 to senate substitute amendment 1 offered by Senator Hanaway.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

Adopted.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 485

Read a third time and passed.

Senate Bill 519

Relating to the reorganization of city school districts into common or unified districts.

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Read a second time.

The question was: Adoption of senate amendment 1?

Senator Engeleiter moved rejection of senate amendment 1.

The question was: Rejection of senate amendment 1?

The ayes and noes were demanded and the vote was: ayes, 22; noes, 10; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Lorman, McCallum, Moody, Offner, Risser, Strohl, Theno and Thompson -- 22.

Noes -- Senators Bidwell, Chilsen, Cullen, Kreul, Krueger, Lasee, Lorge, Opitz, Roshell and Van Sistine -- 10.

Absent or not voting -- Senator Maurer -- 1.

So the motion prevailed.

Senate amendment 2 offered by Senator Opitz.

The question was: Adoption of senate amendment 2?

Senator Engeleiter moved rejection of senate amendment 2.

The question was: Rejection of senate amendment 2?

LEAVE OF ABSENCE

By request of Senator Braun, with unanimous consent, he was granted a leave of absence at 5:00 P.M. for the balance of the day.

The question was: Rejection of senate amendment 2?

The ayes and noes were demanded and the vote was: ayes, 18; noes, 14; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Lorman, McCallum, Moody, Strohl, Theno and Thompson -- 18.

Noes -- Senators Bidwell, Chilsen, Cullen, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Offner, Opitz, Risser, Roshell and Van Sistine -- 14.

Absent or not voting -- Senator Maurer -- 1.

So the motion prevailed.

The question was: Shall the bill be ordered to a third reading?

The ayes and noes were demanded and the vote was: ayes, 21; noes, 11; absent or not voting, 1; as follows:

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Ayes -- Senators Adelman, Bablitch, Berger, Braun, Chilsen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Lorman, McCallum, Moody, Strohl, Theno and Thompson -- 21.

Noes -- Senators Bidwell, Cullen, Kreul, Krueger, Lasee, Lorge, Offner, Opitz, Risser, Roshell and Van Sistine -- 11.

Absent or not voting -- Senator Maurer -- 1.

So the bill was ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 519

Read a third time.

The ayes and noes were demanded and the vote was: ayes, 19; noes, 13; absent or not voting, 1; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Braun, Engeleiter, Flynn, Frank, George, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Lorman, McCallum, Moody, Strohl, Theno and Thompson -- 19.

Noes -- Senators Bidwell, Chilsen, Cullen, Goyke, Kreul, Krueger, Lasee, Lorge, Offner, Opitz, Risser, Roshell and Van Sistine -- 13.

Absent or not voting -- Senator Maurer -- 1.

So the bill passed.

Senate Bill 533

Relating to raising the legal age to 19 for drinking and obtaining retail beer and liquor licenses and providing a penalty.

Read a second time.

Senator Kleczka asked unanimous consent that the bill be referred to joint committee on Finance.

Senator Cullen objected.

Senator Kleczka moved that the bill be referred to joint committee on Finance.

By request of Senator Bablitch, with unanimous consent, the senate recessed until 5:03 P.M.

3:44 P.M.

RECESS

5:03 P.M.

The senate reconvened.

The question was: Shall **Senate Bill 533** be referred to joint committee on Finance?

QUORUM CALL

Senator Flynn called the attention of the chair to the possible lack of a quorum.

The roll was called and the following senators answered to their names:

Senators Adelman, Bablitch, Berger, Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 31.

Absent -- None.

Absent with leave -- Senators Braun and Maurer -- 2.

The question was: Shall **Senate Bill 533** be referred to joint committee on Finance?

Senator Flynn in the chair.

5:06 P.M.

The question was: Shall **Senate Bill 533** be referred to joint committee on Finance?

By request of Senator Kleczka, with unanimous consent, he withdrew his motion that **Senate Bill 533** be referred to joint committee on Finance.

Senator Kleczka asked unanimous consent that **Senate Bill 533** be referred to joint committee on Finance.

Senator Bidwell objected.

Senator Kleczka moved that the bill be referred to joint committee on Finance.

The question was: Shall **Senate Bill 533** be referred to joint committee on Finance?

By request of Senator Bidwell, with unanimous consent, he withdrew his objection to refer **Senate Bill 533** to joint committee on Finance.

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Senator Kleczka asked unanimous consent that the bill be referred to joint committee on Finance.

Senator McCallum objected.

Senator Bablitch moved that **Senate Bill 533** be referred to joint committee on Finance.

The question was: Shall **Senate Bill 533** be referred to joint committee on Finance?

The motion prevailed.

Senate Bill 552

Relating to the purchase of creditable service under the Wisconsin retirement fund by Edith McAusland and making an appropriation.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 552

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Chilsen, Cullen, Engleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 31.

Noes -- None.

Absent or not voting -- Senators Braun and Maurer -- 2.

So the bill passed.

Senate Bill 612

Relating to the Wisconsin resource center.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 612

Read a third time and passed.

Senate Bill 638

An act to ratify the agreement negotiated between the state of Wisconsin and the Wisconsin Association of Science Professionals for the 1981-83 biennium, covering employes in the professional science collective bargaining unit, and authorizing an expenditure of funds.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 638

Read a third time.

The ayes and noes were required and the vote was: ayes, 31; noes, 0; absent or not voting, 2; as follows:

Ayes -- Senators Adelman, Bablitch, Berger, Bidwell, Chilsen, Cullen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 31.

Noes -- None.

Absent or not voting -- Senators Braun and Maurer -- 2.

So the bill passed.

The president of the senate in the chair.

5:43 P.M.

Assembly Bill 276

Relating to calculation of benefits under the state teachers retirement system and the Milwaukee teachers retirement fund.

Read a second time.

Ordered to a third reading.

By request of Senator Bablitch, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 276

Read a third time and concurred in.

Assembly Bill 347

Relating to deposit of wills in courts.

Read a second time.

By request of Senator Bablitch, with unanimous consent, **Assembly Bill 347** was laid on the table.

Assembly Bill 369

Relating to placement for adoption, miscellaneous adoption law changes and changing penalties.

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Read a second time.

The question was: Adoption of senate amendment 1 to senate substitute amendment 1?

By request of Senator Adelman, with unanimous consent, senate amendment 1 to senate substitute amendment 1 was laid on the table.

The question was: Adoption of senate amendment 2 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate amendment 3 to senate substitute amendment 1?

Adopted.

Senate amendment 4 to senate substitute amendment 1 offered by Senator Adelman.

The question was: Adoption of senate amendment 4 to senate substitute amendment 1?

Adopted.

The question was: Adoption of senate substitute amendment 1?
Adopted.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 369

Read a third time.

The ayes and noes were required and the vote was: ayes, 29; noes, 0; absent or not voting, 4; as follows:

Ayes -- Senators Adelman, Berger, Bidwell, Chilsen, Engeleiter, Flynn, Frank, George, Goyke, Hanaway, Harnisch, Harsdorf, Johnston, Kleczka, Kreul, Krueger, Lasee, Lorge, Lorman, McCallum, Moody, Offner, Opitz, Risser, Roshell, Strohl, Theno, Thompson and Van Sistine -- 29.

Noes -- None.

Absent or not voting -- Senators Bablitch, Braun, Cullen and Maurer -- 4.

So the bill was concurred in as amended.

Assembly Bill 703

Relating to required coverage of insulin infusion pumps under disability insurance policies.

Read a second time.

Senate amendment 1 offered by Senator Frank.

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The question was: Adoption of senate amendment 1?

By request of Senator Frank, with unanimous consent, senate amendment 1 was returned to the author.

Ordered to a third reading.

By request of Senator Flynn, with unanimous consent, the bill was considered for final action at this time.

Assembly Bill 703

Read a third time and concurred in.

By request of Senator Flynn, with unanimous consent, all action was ordered immediately messaged.

AMENDMENTS OFFERED

Senate amendments 1, 2 and 3 to **Senate Bill 319** by Senator Theno.

Senate amendment 1 to **Senate Bill 533** by Senator Lorman.

Senate amendments 2 and 3 to **Senate Bill 533** by Senator Johnston.

Senate substitute amendment 1 to **Senate Bill 511** by Senators Strohl and Berger.

Upon motion of Senator Flynn the senate adjourned until 9:00 A.M. Tuesday, October 27.

5:58 P.M.

CHIEF CLERK'S CORRECTION

Suggested by Legislative Reference Bureau

Senate Bill 127

1. Page 1, line 13: after "551.59(1)(b)" insert "and (2)(b)".

Assembly Bill 272

1. Page 61, line 6: substitute "employe" for "employ".

Assembly Bill 272, assembly substitute amendment 1

1. Page 59, line 8: substitute "employe" for "employ".